IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.323 OF 2007
IN
CRIMINAL APPEAL NO.276 OF 2007

Sanjay Shankar Pawar ...Applicant.
V/s.
The State of Maharashtra ...Respondent.

Shri Bhaskar Sarwade, adv. for the Applicant.
Smt.M.M.Deshmukh, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 16th March, 2007.

P.C.:

1. Heard the learned counsel for the Parties.

2. The applicant was convicted for the offence punishable under Section 376 and was sentenced to undergo R.I. for 5 years and to pay a fine of Rs.10,000/-. He was also convicted for the offence punishable under Section 420 of the I.P.C. and was sentenced to undergo R.I. for one year and to pay a fine of Rs.2,000/-. He has preferred an appeal, which is admitted. By this application, he seeks to be released on bail pending final hearing and disposal of the appeal.

3. It appears that the prosecutrix and the accused were known to each other since childhood and they were

belonging to the same community. It is alleged that the accused called the prosecutrix to his house under the pretext of getting the house cleaned and thereafter he committed rape on her in October, 1997. Thereafter atleast on 20 to 25 occasions, he subjected her to sexual intercourse. After that she became pregnant. Thereafter, the accused got married with some other girl. The prosecutrix gave birth to a child on 14th September, 1999 and after that the report was lodged with the police mainly because accused did not adhere to his promise to accept the relationship. According to the prosecution, age of the girl was 15 years when she was first subjected to the rape. However, for this purpose, neither the birth register nor the school record nor any medical evidence was produced. Only the horoscope, prepared after the incident, was produced to show that she was aged 15 years. The applicant was on bail during the trial and there is nothing to show that he had misused the bail.

4. Taking into consideration all these circumstances, I find that the applicant deserves to be granted bail, pending the appeal.

5. The applicant be released on bail on same terms and conditions as before the Trial Court subject to his

furnishing fresh bail bonds and depositing fine amount with further condition that he shall not misuse the bail.

(J.H.Bhatia,J.)